

Terrence R. McInnis (#155416)
 (tmcinnis@rdbl原因.com)
 Monique M. Fuentes (#205501)
 (mfuentes@rdbl原因.com)
 Siavash Daniel Rashtian (#228644)
 (drashtian@rdbl原因.com)
 ROSS, DIXON & BELL, LLP
 5 Park Plaza, Suite 1200
 Irvine, California 92614-8529
 Telephone: (949) 622-2700
 Facsimile: (949) 622-2739

*Attorneys for Defendant Executive Risk Specialty
 Insurance Company*

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

LENSCRAFTERS, INC., and EYEXAM OF
 CALIFORNIA, INC.,

Plaintiffs,

v.

LIBERTY MUTUAL FIRE INSURANCE
 COMPANY; EXECUTIVE RISK SPECIALTY
 INSURANCE COMPANY; UNITED STATES
 FIRE INSURANCE COMPANY; MARKEL
 AMERICAN INSURANCE COMPANY and
 WESTCHESTER FIRE INSURANCE
 COMPANY,

Defendants.

No. C07-02853 SBA

[Related Case No. C 04-01001 SBA]

**STIPULATION AND [ORDER
 EXTENDING TIME FOR
 EXECUTIVE RISK SPECIALTY
 INSURANCE COMPANY TO
 RESPOND TO UNITED STATES FIRE
 INSURANCE COMPANY'S
 COUNTERCLAIM**

AND RELATED CROSS ACTIONS

WHEREAS, on July 31, 2008, Defendant and Counter-Claimant United States Fire Insurance Company ("U.S. Fire") filed its Answer and Counterclaim in response to the Cross-Claim of Defendant and Cross-Claimant Executive Risk Specialty Insurance Company ("ERSIC").

WHEREAS, pursuant to Fed. R. Civ. P. 12(a)(1)(B), ERSIC's response to U.S. Fire's Counterclaim was initially due August 20, 2008;

1 WHEREAS, ERSIC was granted an extension of time to and including September 19,
2 2008 in which to respond to the Counterclaim;

3 WHEREAS, ERSIC and U.S. Fire have reached an agreement in principle that will result
4 in the dismissal without prejudice of U.S. Fire's Counterclaim against ERSIC and ERSIC's
5 Cross-Claim against U.S. Fire;

6 WHEREAS, U.S. Fire has agreed to grant an additional extension of time for ERSIC to
7 answer or otherwise respond to the Counterclaim while the aforementioned agreement is
8 documented and the stipulation of dismissal is prepared;

9 NOW THEREFORE, ERSIC and U.S. Fire hereby STIPULATE to and REQUEST that
10 the Court grant an extension of time, to and including October 17, 2008, for ERSIC to answer or
11 otherwise respond to U.S. Fire's Counterclaim.

12 Date: September 19, 2008

Respectfully submitted,

13 ROSS, DIXON & BELL, LLP

14 /s/ Terrence R. McInnis

15 Terrence R. McInnis
16 Attorneys for Defendant Executive Risk
Specialty Insurance Company


17 SQUIRE, SANDERS & DEMPSEY L.L.P.

18 /s/ David A. Gabianelli

19 David A. Gabianelli
20 Attorneys for Defendant United States Fire
21 Insurance Company

22 **IT IS SO ORDERED:**

23
24 Date: October 7, 2008

25 
26 Hon. Sandra Brown Armstrong
27 United States District Court Judge
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